



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
WASHINGTON OPERATIONS OFFICE
300 Desmond Drive SE, Suite 102
Lacey, Washington 98503

FILE COPY

January 3, 2008

CERTIFIED MAIL

La Villa Ramsey
Lupine, Inc.
31 W Wapato Rd
Wapato, WA 98951

Re: Underground Storage Tank (UST) Program, Field Notice of Non-Compliance
No. 1123, issued during the UST facility inspection on September 20, 2007, of
Wolf Den Restaurant, 31 W Wapato Road, Wapato, WA (EPA ID No. 4260127)
– Yakima Nation

Dear Ms. Ramsey:

Thank you for meeting with me on Thursday, September 20, 2007, for our inspection at the Wolf Den Restaurant. At that time, I cited your facility for three violations per Chapter 40, Code of Federal Regulations (CFR), Part 280, Technical Standards and Corrective Action Requirements for Owners and Operators of USTs. We issued you a Field Notice of Non-compliance for the following violations:

- 1) Failure to maintain copies of the financial assurance mechanism used to comply with the financial responsibility rule and certification in the required language (40 CFR 280.111)

You were cited under 40 CFR 280.111 for your facility because you did not have the required UST insurance documentation available upon request. Please provide to EPA a copy of your UST Insurance for your facility or another form of financial responsibility allowed under Subtitle H of 40 CFR Part 280.

- 2) Failure to verify overfill device (40 CFR 280.20 (c)) During the inspection we were unable to verify what type of overfill device that has been installed on your new tanks. Please provide documentation showing what kind of overfill device installed.
- 3) Failure to maintain records at the UST site and immediately available upon request (40 CFR 280.34 (c)(i)). You were cited for this records violation for NOT maintaining the required release documentation. You are required to have your tank monitor conduct leak tests **monthly** and save the test reports. These test



slips must be maintained for at least 12 months. Printing and reviewing each slip each month should help to alert you of a possible release from your UST systems or of a possible equipment malfunction. Because your UST system is equipped with electronic line leak detectors (ELLD's), the monthly tank leak test results should include piping leak test results as well. You were to provide a copy of October's leak test results for the tanks and piping, after contacting your service provider regarding the ELLDs. Please provide a copy of your monthly leak test results for your tanks and piping.

Our goal is to ensure that UST facilities are operated *and* maintained in accordance with federal UST regulations to ensure public safety and the protection of our environment. The documentation that I have requested must be submitted to EPA within 30 days of the inspection. As of this date I have not received any of the requested documents. Therefore, please submit the requested information to me no later than **January 18, 2008**. Keep in mind that failure to comply with the field notice within the specified time frame may result in penalties as high as \$11,000 per tank, per day for each violation.

Other than the information I gave you at the inspection, you also can obtain general UST information and guidance at our web site at <http://www.epa.gov/r10earth/ust.htm>.

Thank you once again for meeting with me and your cooperation during our inspection. If you have any questions regarding the inspection or require any assistance, I can be contacted by telephone at (360) 753-8072 or by e-mail at greeves.jim@epa.gov.

Sincerely,



Jim Greeves
UST Inspector

cc: Andrea Spencer, Yakima Nation